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October 5, 2016

Hon. Steven L. Tiscione
U.S. Magistrate Judge
U.S. District Court for the Eastern District
Of New York
225 Cadman Plaza
Brooklyn, NY 11201

RE: BOGAERT-ACOSTA v. ABILENE MOTOR EXPRESS, ET ANO
Docket No. : 12 CV 4481 (PKC)
D/A : June 15, 2011
Our File No.: SRY12-007

Honorable Sir:

Please let this letter serve as the parties' joint status report.

A mediation was held on May 20, 2016 before Richard Byrne, Esq., mediator. That session did not result in a resolution of the matter. However, the parties agreed to hold a second mediation session after the defendants' depositions of plaintiff's treating physicians, Dr. Thomas and Dr. Lattuga. Dr. Thomas was deposed on September 20, 2016. The deposition of Dr. Lattuga is scheduled for November 11, 2016.

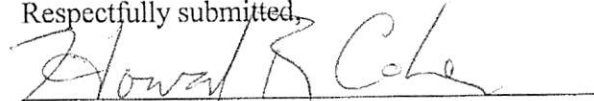
The parties further advise that defendants have recently served a discovery demand, to which plaintiff will respond within thirty (30) days. Defendants also made discovery demands during the deposition of Dr. Thomas. Plaintiff will respond to said demands within thirty (30) days of plaintiff's receipt of the deposition transcript.

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The parties agree, subject to the Court's approval, to extend the time for defendant to file a threshold summary judgment motion until 120 days after completion of the second mediation session, which presently remains open and will be completed very shortly after the completion of Dr. Lattuga's deposition.

Respectfully submitted,



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